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May 16, 2003

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ESTABLISHING A SPECIAL REVIEW PROCEDURE

PROJECT NAME : Northeast Gateway Energy Bridge
DWP Project/Northeast Gateway Pipeline
Lateral
PROJECT MUNICIPALITY : N/A
PROJECT WATERSHED : N/A
EOEA NUMBER : 13473/13474
PROJECT PROPONENT : Northeast Gateway Energy Bridge, LLC/
Algonquin Gas Transmission, LLC
DATE NOTICED IN MONITOR : March 23, 2005

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.03 of the MEPA regulations (301 CMR 11.00), I have issued a separate Certificate today determining that this project requires the preparation of an Environmental Impact Report (EIR). Pursuant to Section 11.09 of the MEPA regulations, I hereby establish a **Special Review Procedure** to guide the MEPA review of the project.

As described in the Environmental Notification Forms (ENFs), the proposed project entails the construction of a Deepwater Port (DPW) in Massachusetts Bay, consisting of a submerged buoy system to dock Liquefied Natural Gas (LNG) carriers approximately 13 miles offshore in federal waters 250-270 feet in depth, and a 16.4-mile long, 24-inch diameter Pipeline Lateral to interconnect the DWP to the existing offshore pipeline system, the HubLine, located in Massachusetts Bay. The Pipeline Lateral will enable the delivery of regasified LNG from the DWP to onshore markets in

New England. Approximately 12.5 miles of the Pipeline Lateral is proposed in Commonwealth waters and 3.9 miles in federal waters.

The DWP will be owned and operated by Northeast Gateway Energy Bridge, LLC, and the Pipeline Lateral will be owned and operated by Algonquin Gas Transmission, LLC.

These two projects are interconnected, involve several discrete elements and involve actions by and coordination among numerous state and federal agencies. The proponents request that the two projects be reviewed together in the same MEPA documents. The proponents also request that the projects undergo coordinated¹ review by MEPA and the United States Coast Guard (USCG), the lead federal agency responsible for review of the projects pursuant to the National Environmental Policy Act (NEPA) and preparation of the federal Environmental Impact Statement (EIS).² The Executive Office of Environmental Affairs (EOEA), the USCG and the proponents have all indicated a desire for coordinated MEPA/NEPA review to the maximum extent feasible. To successfully coordinate the review process among the USCG and MEPA, a degree of administrative flexibility in reviewing the project pursuant to MEPA is necessary. After considering the factors cited in Section 11.09 of the MEPA regulations, I hereby find that the review of the projects would benefit from the establishment of a Special Review Procedure.

The Special Review Procedure is largely for administrative convenience, designed to allow for coordinated NEPA/MEPA review of an EIS/EIR document consistent with the requirements and

1 The term "coordinated review" as used in this Certificate and in the MEPA regulations refers to the practice of allowing a single set of documents to serve simultaneously as both an EIS under NEPA and an EIR under MEPA. In common usage, the practice is sometimes referred to as "joint review," although this term is misleading since both the USCG and EOEA retain independent authority to judge the adequacy of the information submitted pursuant to their respective statutory and regulatory responsibilities.

2 The primary federal approval for the Deepwater Port Project is a license under the federal Deepwater Port Act. The U.S. Secretary of Transportation delegated the processing of deepwater port applications to the USCG and the Federal Maritime Administration. The federal agency with primary jurisdiction over the Pipeline Lateral, the Federal Energy Regulatory Commission (FERC), will participate as a cooperating agency in the NEPA review conducted by the USCG with respect to the Pipeline Lateral Project.

constraints imposed by state and federal regulations. It is my hope and intention to work with the USCG and the proponents to coordinate the review process to such an extent that the review process can follow the usual draft and final EIR format, and I wish to commend the USCG for its support to date of the coordinated review concept. In order to ensure that the proposed projects fully comply with MEPA, I have developed the following SRP in the event that additional documentation (outside of the USCG processes) is required to ensure compliance with MEPA.

SPECIAL REVIEW PROCEDURE

First, the two projects shall be reviewed together in the same EIR documents, as requested by the proponents. Second, the MEPA and NEPA processes will be coordinated as follows. The EIR process will consist of the filing of a minimum of two documents: a Draft EIR and a Final EIR. The USCG will prepare and circulate a Draft EIS, which will also serve as the Draft EIR. I will review the Draft EIR, coordinate comment periods with the USCG and FERC to the maximum feasible extent, and issue a decision on the Draft EIR following the close of the public comment period.

The proponents have committed to working with the USCG to the extent allowed by the USCG regulations to ensure that the EIS prepared by the USCG adequately serves as the EIR required under MEPA. In addition, I will continue to work cooperatively with the USCG to ensure the success of a coordinated review process. Because the USCG prepares the EISs, rather than the proponents, a situation may arise following review of the Draft EIS whereby the Draft EIS is adequate as an EIS and generally adequate as an EIR as well, but has left unresolved certain issues pertinent to the MEPA review. If this is the case, and the unresolved issues are sufficiently important, I reserve the right to find the Draft EIR adequate but nonetheless require the preparation of a Supplemental Draft EIR, and issue a Certificate guiding the content of the supplemental document. In my Certificate on the Draft EIR, I will make specific findings as to whether I am invoking this provision of the Special Review Procedure. This administrative mechanism gives me adequate assurance that the Draft EIS prepared by the USCG can form the basis of the Draft EIR under MEPA. In addition to this special mechanism, I also

reserve all rights granted to me by Section 11.08(8) of the MEPA regulations regarding determinations of adequacy of the Draft EIR.

Following review of the Draft EIS/EIR, the USCG will prepare and circulate a Final EIS. This document will also serve as the Final EIR. I will again coordinate comment periods with the USCG to the maximum feasible extent, and issue a decision on the adequacy of the Final EIR after the close of the MEPA comment period. Because the USCG prepares the EIS, rather than proponents, a situation may arise following review of the Final EIS whereby the Final EIS is adequate as a Final EIS and generally adequate as a Final EIR as well but has left unresolved certain issues pertinent to the MEPA review. If this is the case, and the unresolved issues are sufficiently important, I reserve the right to find the Final EIR adequate but nonetheless require the preparation of a Supplemental Final EIR, and issue a Certificate guiding the content of the supplemental document. I will make specific findings in the Certificate on the Final EIR as to whether I am invoking this provision of the SRP. If this provision were invoked, the Supplemental Final EIR would be considered the final review document in the MEPA review process (see Section 11.09(1) of the MEPA regulations) for purposes of appeal periods and timing of required state Agency Actions. This administrative mechanism gives me adequate assurance that the Final EIS prepared by the USCG can form the basis of the Final EIR under MEPA. In addition to this mechanism, I also reserve all rights granted to me by Section 11.08(8) of the MEPA regulations regarding determinations of adequacy of the Final EIR.

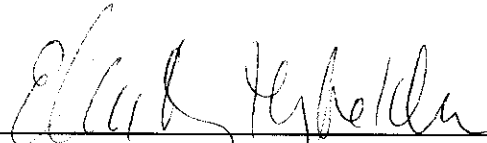
The EIS documents will follow the USCG regulations for outline and content. I anticipate that the EIS will include the content of the required EIR, although data presentation and sequence may be different from the usual structure of an EIR as specified in Section 11.07 of the MEPA regulations. As such, I will not expect the EIS/EIR document to follow the general guidelines for outline contained in Section 11.07. However, to aid reviewers in finding information relevant to the EIR process, I ask that the EIS documents include a cross-reference index or other form of content guide that explains which sections of the EIS correspond to requirements of the EIR. I also ask that the

EIS include a copy of this Certificate and the Certificate on the ENF issued separately today, as well as copies of the comments received. All of these documents (as well as any other documents related exclusively to MEPA review) may appear in an appendix to the EIS.

The proponents' signature below indicates their consent to the establishment of a Special Review Procedure and the specific provisions outlined in this Certificate.

5/16/05

Date



Ellen Roy Herzfelder
EOEA Secretary

5/27/05

Date



Rob Bryngelson
Vice President
Northeast Gateway Energy
Bridge LLC

5/25/05

Date



George A. McLachlan
Environmental Project Manager
Algonquin Gas Transmission LLC